

**THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT COURT OF DELAWARE**

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|-------------------------------|---|-----------------------------|
| THERESA CROTHER, | : | Civil Action No.04-913(KAJ) |
| | : | |
| GEORGE GREEN, | : | TRIAL BY JURY OF |
| | : | TWELVE DEMANDED |
| GREGORY PARISE, | : | |
| | : | |
| MICHAEL WHETSTONE, | : | |
| | : | |
| v. | : | |
| TOWN OF DEWEY BEACH, | : | |
| | : | |
| SAMUEL MACKERT, | : | |
| Acting Chief | : | |
| Dewey Beach Police Department | : | |
| | : | |
| PATROLMAN ZACHARY PETTYJOHN, | : | |
| Dewey Beach Police Department | : | |
| | : | |
| PATRTOLMAN JOHN WHEATLEY, | : | |
| Dewey Beach Police Department | : | |

THIRD AMENDED SCHEDULING ORDER

At Wilmington this ____ day of _____, 2006.

IT IS HEREBY ORDERED that the Court's Scheduling Order dated November 8, 2004 (D. I. 15), First Amended Scheduling Order dated September 28, 2005 (D. I. 40) and Second Amended Scheduling Order dated March 13, 2006 (D. I. 46), are amended as follows:

1. Discovery

a. Discovery Cut-Off. All discovery in this case shall be initiated so that it will be completed on or before November 30, 2006. The Court encourages the parties to serve and respond to contention interrogatories early in the case. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.

b. Disclosure of Expert Testimony. Unless otherwise agreed to by the parties, they shall file their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony on or before ninety (90) days before the date of the completion of discovery; and they shall file a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party sixty (60) days before the date for the completion of discovery. To the extent any objection to expert testimony is made pursuant to the principles announced in Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993), it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court.

2. Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before December 22, 2006. Briefing will be presented pursuant to the Court's Local Rules.

3. Pre-Trial Conference. On May 30, 2007, the Court will hold a final Pre-Trial Conference in Chambers with counsel beginning at 4:30 p.m. Unless otherwise ordered by the Court, the parties should assume that filing the Pre-Trial Order satisfies the pre-trial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court joint proposed final pre-trial order with the information required by the form of Pre-Trial Order which accompanied the Court's original Scheduling Order dated November 8, 2004 (D. I. 15) on or before April 30, 2007.

4. Trial. This matter is scheduled for a three (3) day trial beginning at 9:30 a.m. on June 25 through June 27, 2007. For the purpose of completing pre-trial preparations, counsel should plan on each side being allocated a total of eight (8) hours to present their case.

All other deadlines as set forth in the Court's November 8, 2004 Scheduling Order (D. I. 15), September 25, 2005 First Amended Scheduling Order (D. I. 40) and March 13, 2006 Second Amended Scheduling Order (D. I. 46) shall remain in effect.

UNITED STATES DISTRICT JUDGE

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